

REMARKS

Claims 1, 5-21, 25-31, and 35-59 were examined and claims 1, 5-21, 25-31, and 35-59 stand rejected. By virtue of this response, no claims have been amended, added, or cancelled. Therefore, claims 1, 5-21, 25-31, and 35-59 are presently pending.

Claim Rejections Under 35 USC §102

Claims 1, 5-8, 11-15, 19-21, 25-28, 31, 35-38, 41-45, and 49-59 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,704,727 issued to Alexander N. Kravets (hereinafter "Kravets").

Applicants disagree and submit that Kravets at least fails to disclose or reasonably suggest "relevancy scores calculated based in part on sales information" wherein the "sales information includes an accumulation of a plurality of purchase transactions of a plurality of users." as recited by claim 1. (Emphasis added).

This is similar to the Applicants' arguments of the response filed November 24, 2008. In response, in the present Office Action, the Examiner cites column 5, lines 42-54 of Kravets and states:

Examiner respectfully traverses the argument since Kravets clearly discloses "sales information includes an accumulation of a plurality of purchase transactions of a plurality of users" in column 5 lines 42 – 54 (the event system monitor monitors events to determine various parameters such as the total number of searches requested by all users of the site ... the amount of revenue generated by a search term ... or other suitable parameters)

Page 3 of the non-final Office Action dated February 13, 2009.

However, Applicants submit that Kravets clearly does not disclose the recited features of claim 1. In particular, "the amount of revenue generated by a search term," as recited by Kravets, fails to disclose or reasonably suggest "sales information" wherein the "sales information includes an accumulation of a plurality of purchase transactions of a plurality of users." as recited by claim 1. (Emphasis added).

Initially, Applicants point out that “the amount of revenue generated by a search term,” as recited by Kravets, refers to “the amount of revenue generated by a search term in a pay for performance type search engine.” (Column 5, lines 49-50, Emphasis added.) Applicants refer the Examiner to the “BACKGROUND” section of Kravets for a more detailed description of a “pay for performance” type search engine. Specifically, Kravets states:

One type of search engine that provides web page operators with a more predictable method of being seen as the result of a search is a “pay for performance” arrangement where web pages are displayed based at least in part upon a monetary sum that the web page owner has agreed to pay to the search engine operator. The web page operator agrees to pay an amount of money, commonly referred to as the bid amount, in exchange for a particular position in a set of search results that is generated in response to a user’s input of a search term.

Column 1, lines 56-65, Emphasis added.

In other words, Kravets describes a “pay for performance” type search engine as one whereby web page owners pay a search engine operator for a particular position in a list of search results.

However, web page owners paying for a position in a list of search results fails to disclose or reasonably suggest “sales information” wherein the “sales information includes an accumulation of a plurality of purchase transactions of a plurality of users,” as required by claim 1. (Emphasis added). Specifically, web page owners are not “users,” as recited by claim 1. Attention is drawn to the language of claim 1 which recites, *inter alia*, “receiving a first search term from a user” and “dynamically generating a plurality of candidate search terms ... for providing to the user.” (Emphasis added.) Thus, it is clear that the “user” of claim 1 refers to someone navigating the Internet using a search engine rather than a web page owner.

Therefore, “the amount of revenue generated by a search term in a pay for performance type search engine” fails to disclose or reasonably suggest “sales information” wherein the “sales information includes an accumulation of a plurality of purchase transactions of a plurality of users,” as required by claim 1. (Emphasis added.)

Accordingly, Applicants submit that Kravets at least fails to disclose or reasonably suggest “relevancy scores calculated based in part on sales information” wherein the “sales information includes an accumulation of a plurality of purchase transactions of a plurality of users,” as recited in claim 1. (Emphasis added).

Furthermore, Applicants maintain the argument made in response filed November 24, 2008, that Kravets at least fails to disclose or reasonably suggest the “plurality of candidate search terms.... are at least organized in accordance with brands, wherein the brands related to the first search term are determined based upon the sales information,” as recited by claim 1. (Emphasis added).

In response, the Examiner states “the second set of search terms can be displayed as a list 300 in conjunction with a search engine input screen as shown in Figure 6, and then the list can be displayed in any order irrespective of the value scores, suggesting that it could be organized in many ways including price, brands, etc.” (Page 3 of the non-final Office Action dated February 13, 2009.) However, while the cited portion of Kravets does not rule out the possibility of organizing a list based on brands, Kravets still fails to explicitly disclose or reasonably suggest a “plurality of candidate search terms.... are at least organized in accordance with brands, wherein the brands related to the first search term are determined based upon the sales information,” as required by claim 1.

Thus, for at least the foregoing reasons, Applicants submit that claim 1 is allowable over Kravets. Independent claims 21 and 31 contain features similar to claim 1 and are allowable over Kravets for at least similar reasons. As such, Applicants request the rejections be withdrawn and the claims allowed.

Additionally, claims 5-8, 11-15, 19-20, 25-28, 35-38, 41-45, and 49-59 are allowable for at least depending on an allowable independent claim. Accordingly, Applicants request the rejections be withdrawn and the claims allowed.

Claim Rejections Under 35 USC §103

Claims 9-10, 29-30, and 39-40 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kravets in view of U.S. Publication No. 2003/0078915 issued to Surajit Chaudhuri et al., (hereinafter "Chaudhuri").

For at least the foregoing reasons, claims 9-10, 29-30, and 39-40, each of which is dependent from either base claim 1, 21, or 31, are allowable over Kravets in view of Chaudhuri. Accordingly, Applicants request the rejections be withdrawn and the claims allowed.

Claims 16-18 and 46-48 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kravets in view of U.S. Patent No. 6,701,314 issued to Joan Evelyn Conover et al., (hereinafter "Conover").

For at least the foregoing reasons, claims 16-18 and 46-48, each of which is dependent from either base claim 1, 21, or 31, are allowable over Kravets in view of Conover. Accordingly, Applicants request the rejections be withdrawn and the claims allowed.

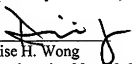
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 324212003700**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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